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5 ADAM MICHAEL WERBACH,
6 Plaintiff,
7 v.
8 GENERAL MOTORS LLC,
9 Defendant.

10 Case No. 24-cv-00015-JD

11 **ORDER RE DISMISSAL AND STAY**

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13 Plaintiff Adam Werbach alleges that his 2020 Chevy Bolt, which was manufactured by
14 defendant General Motors (GM), has a defective battery. Dkt. No. 1-1. GM removed the action
15 from state court on and allegation of diversity jurisdiction, Dkt. No. 1, and now asks to dismiss
16 Werbach's claims for fraud and for violation of California's Unfair Competition Law (UCL), Cal.
17 Prof. & Bus. Code § 17200, *et seq*, under Federal Rules of Civil Procedure 9(b) and 12(b)(6).
18 Dkt. No. 11. Dismissal is granted.

19 The complaint is identical to dozens of other cases filed by the same plaintiffs attorneys
20 and repeatedly dismissed in this District. *See, e.g., Swearingen et al v. General Motors, LLC*, No.
21 23-cv-04314-SI (Nov. 6, 2023) (Dkt. No. 33); *Rodrigues et al v. General Motors, LLC*, No. 23-cv-
22 04488-WHA (Dec. 21, 2023) (Dkt. No. 35). The modus operandi is to file basically the same
23 threadbare complaint in multiple cases, and oppose motions to dismiss on claims that have been
24 dismissed on many prior occasions. This conduct has resulted in an order to show cause why
25 plaintiff's counsel Ryan Marden "shouldn't be sanctioned for continuing to include sparse cookie-
26 cutter fraud and UCL claims in their numerous complaints against General Motors, and continuing
27 to oppose motions to dismiss those claims, despite courts continuing to find the very same
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1 allegations deficient.” *Singh v. General Motors, LLC*, No. 23-cv-06702-VC (Feb. 8, 2024) (Dkt.
2 No. 18).

3 The complaint here is similarly devoid of any meaningful allegations of fraud or
4 wrongdoing that might make the claims plausible. It makes vague reference to a handful of
5 marketing statements made about the Bolt dating back to 2016, which may or may not have
6 anything to do with Werbach’s 2020 model, and which Werbach may or may not have even seen
7 before purchasing his car. Such basic facts as whether Werbach’s battery was ever recalled, and
8 whether he ever sought to have it repaired, are not clearly stated.

9 In response to the motion to dismiss, Werbach folded and simply asked for leave to amend.
10 See Dkt. No. 12 at pp. 3, 6, & 8. The Fourth and Fifth Causes of Action are dismissed. In light of
11 attorney Marden’s emerging record of unprofessional conduct in this District, the case is stayed
12 and administratively closed until the order to show cause is decided in *Singh*. The parties are
13 directed to promptly advise the Court of the entry of that order. The question of whether this case
14 will be dismissed *in toto* for attorney misconduct will be decided in a subsequent order.

15 **IT IS SO ORDERED.**

16 Dated: April 2, 2024



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19 JAMES DONATO
20 United States District Judge
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